

REMARKS

Applicants have carefully studied the outstanding Official Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Application as examined included claims 1-52. In the present response, claim 23 has been amended. Claims 1-22 and 24-52 are unchanged.

Claims 1, 3, 5-7, 9 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Korchagin et al (U.S. Published Patent Application No. 2005/0023082).

Claims 2 and 15-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Korchagin (U.S. Published Patent Application No. 2005/0023082) in view of Hyacinthe (U.S. Patent No. 7,377,218). Claims 4 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Korchagin (U.S. Published Patent Application No. 2005/0023082) in view of Hernandez (U.S. Patent No. 6,318,503).

Claims 8, 11, 27-28, 30, 32-37, 39-40 and 47-52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Korchagin (U.S. Published Patent Application No. 2005/0023082) in view of Keegan et al (U.S. Patent No. 5,671,824). Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Korchagin (U.S. Published Patent Application No. 2005/0023082) in view of Orgeron (U.S. Patent No. 4,520,900). Claims 13-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Korchagin (U.S. Published Patent Application No. 2005/0023082).

Claims 20-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Korchagin in view of Hyacinthe and further in view of Keegan. Claims 29 and 41-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Korchagin in view of Keegan and further in view of Hyacinthe.

Claim 31 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Korchagin in view of Keegan and further in view of Hernandez. Claim 38 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Korchagin in view of Keegan and further in view of Orgeron.

Korchagin et al describes an elevator system for traveling on a rail attached to the outside of a high-rise building. Hyacinthe describes a rescue assembly including a vehicle that rides upon a track operated by a network of pistons set in a left to right array and connected by slanted bridges.

Hernandez describes an exterior emergency escape system for use on a multi-storied building including an escape module for holding people escaping from the multi-storied building and for moving along the exterior of the multi-storied building, cables for suspending the escape module from the cornice of the roof, and apparatus for moving the escape module vertically along the exterior of the multi-storied building. Keegan et al describes an emergency escape elevator featuring a release device for releasing the elevator from its tethering cable, allowing the elevator to descend under the force of gravity. Orgeron describes a personnel escape mechanism for emergency evacuation of a high-rise building.

Applicants express appreciation to Examiner Candace Bradford and SPE Katherine Mitchell for the courtesy of an interview, which was granted to Applicants' representative, Sanford T. Colb (Reg. No. 26,856). The interview was held in the USPTO on September 10, 2008. The substance of the interview is set forth in the Interview Summary.

At the interview, claims 1 and 2 were discussed vis-à-vis the prior art references of Korchagin and Hyacinthe. The Interview Summary states, in relevant part, "The attorney and examiner agreed that the Korchagin reference does not appear to teach a concomitant operation of the rescue platform... The attorney explained that the term fan descender as disclosed in the provisional specification is the narrower term for a dynamic resistance device, therefore there is support for the dynamic resistance device in the provisional application in which the filing date is earlier than the Hyacinthe reference."

As discussed at the interview, applicants respectfully submit that the prior art reference of Korchagin, does not show or suggest the mass rescue system of the present invention, as recited in claim 1, including, inter alia, at least first and second rescue platforms mounted on at least one elongate flexible element at locations therealong arranged with respect to upper and lower rotatable supports such that downward motion of said first rescue platform produces concomitant upward motion of said second rescue platform and vice versa.

Applicant respectfully submits that the none of the prior art references, either alone or in combination, show or suggest the mass rescue system of the present invention, as recited in claim 1, including, inter alia, at least first and second rescue platforms mounted on at least one elongate flexible element at locations therealong arranged with respect to upper and lower rotatable supports such that downward motion of said first rescue platform produces concomitant upward motion of said second rescue platform and vice versa, and that claim 1 is therefore patentable.

As discussed at the interview, applicant respectfully submits that the prior art reference of Korchagin, does not show or suggest the mass rescue system of the present invention, as recited in claim 27, including, inter alia, a first rescue platform and a counterweight mounted on at least one elongate flexible element at locations therealong arranged with respect to upper and lower rotatable supports such that downward motion of the first rescue platform produces concomitant upward motion of the counterweight and vice versa.

Applicant respectfully submits that the none of the prior art references, either alone or in combination, show or suggest the mass rescue system of the present invention, as recited in claim 27, including, inter alia, a first rescue platform and a counterweight mounted on at least one elongate flexible element at locations therealong arranged with respect to upper and lower rotatable supports such that downward motion of the first rescue platform produces concomitant upward motion of the counterweight and vice versa, and that claim 27 is therefore patentable.

As discussed at the interview, applicant respectfully submits that the prior art reference of Hyacinthe, concerning the dynamic resistance device recited in the claims is not a valid prior art reference since it claims priority from U.S. Provisional Patent Application Serial No. 60/634,637, filed December 10, 2004, while the present application claims priority from U.S. Provisional Patent Application Serial No. 60/546,006, filed February 18, 2004. As discussed at the interview, the fan descender disclosed in U.S. Provisional Patent Application Serial No. 60/546,006, is a specific type of dynamic resistance device.

Applicant respectfully submits that the none of the prior art references, either alone or in combination, show or suggest the method for mass rescue of the present invention, as recited in claim 22, including, inter alia, providing ... at least one elongate flexible element having at least first and second rescue platforms mounted at locations therealong arranged with respect to upper

and lower rotatable supports such that downward motion of the first rescue platform produces concomitant upward motion of the second rescue platform and vice versa and providing dynamic resistance governing vertical motion of the at least one elongate flexible element with respect to the upper and lower rotatable supports, and that claim 22 is therefore patentable

Applicant respectfully submits that the none of the prior art references, either alone or in combination, show or suggest the method for mass rescue of the present invention, as recited in claim 48, including, inter alia, providing upper and lower rotatable supports having at least one elongate flexible element wound thereabout, the at least one elongate flexible element having a first rescue platform and a counterweight mounted at locations therealong arranged with respect to the upper and lower rotatable supports such that downward motion of the first rescue platform produces concomitant upward motion of the counterweight and vice versa and providing dynamic resistance governing vertical motion of the at least one elongate flexible element with respect to the upper and lower rotatable supports, and that claim 48 is therefore patentable.

Dependent method claim 23 has been amended to depend from method claim 22 instead of system claim 20.

Claims 2-21 each depend directly or ultimately from claim 1 and recite additional patentable subject matter and therefore are allowable. Claims 23-26 each depend directly or ultimately from claim 22 and recite additional patentable subject matter and therefore are allowable.

Claims 28-47 each depend directly or ultimately from claim 27 and recite additional patentable subject matter and therefore are allowable. Claims 49-52 each depend directly or ultimately from claim 48 and recite additional patentable subject matter and therefore are allowable.

Applicant has carefully studied the remaining prior art of record herein and concludes that the invention as described and claimed in the present application is neither shown in nor suggested by the cited art.

Applicant reserves the right to pursue the claims as filed in the context of a continuation application.

In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Dated: October 13, 2008

Respectfully submitted,

By 

S. Peter Ludwig

Registration No.: 25,351

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DUCKETT NO	CYBERMATION NO
10/598,109	10/25/2007	Oren Meilus	067278205334-1150	1098

7378 7380 09/12/2008
DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

EXAMINER

BRADFORD, CANDACE-I

ART UNIT	PAPER NUMBER
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3634

MAIL DATE	DELIVERY MONTH
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09/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary		Application No.		Applicant(s)	
		Examiner		Art Unit	
		10/598,109		MEITUS ET AL.	
		CANDACE L. BRADFORD		3634	
<p>All participants (applicant, applicant's representative, PTO personnel):</p> <p>(1) <u>CANDACE L. BRADFORD</u> (3) <u>Sanford Coll.</u></p> <p>(2) <u>Katherine Mitchell</u> (4) _____</p> <p>Date of Interview: <u>10 September 2008</u></p> <p>Type: a) <input type="checkbox"/> Telephonic b) <input type="checkbox"/> Video Conference c) <input checked="" type="checkbox"/> Personal (copy given to: 1) <input type="checkbox"/> applicant 2) <input checked="" type="checkbox"/> applicant's representative</p> <p>Exhibit shown or demonstration conducted: d) <input type="checkbox"/> Yes e) <input checked="" type="checkbox"/> No. If Yes, brief description: _____</p> <p>Claim(s) discussed: <u>Claims 1 and 2</u></p> <p>Identification of prior art discussed: _____</p> <p>Agreement with respect to the claims f) <input type="checkbox"/> was reached. g) <input type="checkbox"/> was not reached. h) <input checked="" type="checkbox"/> N/A.</p> <p>Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: <u>See Continuation Sheet</u></p> <p>(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)</p> <p>THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.</p>					
		KATHERINE W MITCHELL Supervisory Patent Examiner, Art Unit 3634			

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interview Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135, 201 U.S.C. 1302.

37 CFR §1.2 Business to be Transacted in Writing

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent or Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for written interview reconsideration is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedures, or pointing out typographical errors or unworkable script in Office actions or the like, are excluded from the interview reconsideration procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recording of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (If Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper record of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper record of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The attorney and examiner agreed that the Korchagin et.al. reference does not appear to teach a concomitant operation of the rescue platforms and that if careful review confirms this, either a new non-final or an allowance action would be issued. The attorney explained that term fan descender as disclosed in the provisional specification is the narrower term for a dynamic resistance device, therefore there is support for the dynamic resistance device in the provisional application in which the filing date is earlier than the Hyacinthe reference.